

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NEW YORK
ROCHESTER DIVISION

RED BULL NORTH AMERICA, INC. and
RED BULL GMBH LIMITED LIABILITY
COMPANY,

Plaintiffs,

vs.

SOHO EAST AVENUE INC.; 289 ALEXANDER
STREET INC; DAVIS COWDEN INC; 336
DUKES INC; RDCUSE INC; and RONALD A.
DAVIS,

Defendants.

Civil Action No. 6:07-cv-06112-MAT

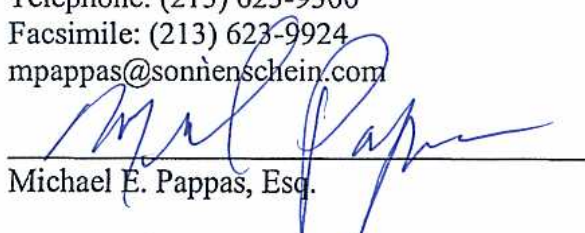
**STIPULATION FOR ENTRY OF PERMANENT INJUNCTION
AND FINAL JUDGMENT**

Plaintiffs RED BULL NORTH AMERICA, INC. and RED BULL GMBH LIMITED LIABILITY COMPANY and Defendants SOHO EAST AVENUE INC.; 289 ALEXANDER STREET INC.; 336 DUKES INC.; RDCUSE INC.; and RONALD A. DAVIS hereby stipulate and agree, by and through counsel, that a PERMANENT INJUNCTION AND FINAL JUDGMENT AGAINST DEFENDANTS SOHO EAST AVENUE, INC.; 289 ALEXANDER STREET INC.; 336 DUKES INC.; RDCUSE INC.; AND RONALD A. DAVIS shall be entered by the Court, as set forth in the Attached Exhibit A.

Stipulated and Agreed:

Dated: ^{May} April 9, 2008

SONNENSCHN NATH & ROSENTHAL LLP
Attorneys for Plaintiffs Red Bull North America, Inc. and
Red Bull GmbH Limited Liability Company
601 S. Figueroa Street, 25th Floor
Los Angeles, CA 90017
Telephone: (213) 623-9300
Facsimile: (213) 623-9924
mpappas@sonnenschein.com


Michael E. Pappas, Esq.

Dated: April 10, 2008

THE WOLFORD LAW FIRM LLP

Attorneys for Defendants Soho East Avenue, Inc; 289
Alexander Street Inc.; 336 Dukes Inc.; Rdcuse Inc.; and
Ronald A. Davis

600 Reynolds Arcade Building

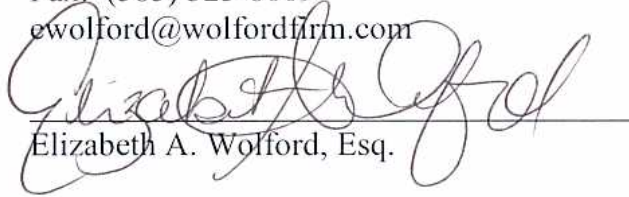
16 East Main Street

Rochester, NY 14614

Telephone: (585) 325-8000

Fax: (585) 325-8009

ewolford@wolfordfirm.com

A handwritten signature in cursive script, appearing to read "Elizabeth A. Wolford", written over a horizontal line.

Elizabeth A. Wolford, Esq.

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NEW YORK
ROCHESTER DIVISION

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RED BULL GMBH LIMITED LIABILITY
COMPANY,

Plaintiffs,

vs.

SOHO EAST AVENUE INC.; 289 ALEXANDER
STREET INC; DAVIS COWDEN INC; 336
DUKES INC; RDCUSE INC; and RONALD A.
DAVIS,

Defendants.

Civil Action No. 6:07-cv-06112-MAT

**PERMANENT INJUNCTION AND FINAL JUDGMENT AGAINST DEFENDANTS
SOHO EAST AVENUE, INC.; 289 ALEXANDER STREET INC.; 336 DUKES INC.;
RDCUSE INC.; AND RONALD A. DAVIS**

Based on the stipulation of the parties to this lawsuit, the Court finds that this judgment should be entered. It is therefore,

ORDERED, ADJUDGED, AND DECREED that:

1. Defendants Soho East Avenue, Inc.; 289 Alexander Street Inc.; 336 Dukes Inc.; Rdcuse Inc.; and Ronald A. Davis ("Defendants"), their officers, directors, agents, employees, successors, licensees, and assigns and all others in active concert or participation with any of them are enjoined and restrained from (i) selling or offering to sell, in response to orders for RED BULL[®], a beverage of another manufacturer, without first giving the customer oral notice that a beverage other than RED BULL[®] is being sold and giving the customer the opportunity to accept or reject the substitute product prior to fulfilling the customer's order; (ii) directly or indirectly marketing, advertising or using in any way the RED BULL[®] mark or any colorable imitation thereof in connection with a non-RED BULL[®] drink; (iii) doing any other unlawful act that infringes the RED BULL[®] mark; or (iv) committing any other unlawful acts of unfair competition against Plaintiffs Red Bull North America, Inc. and Red Bull GmbH Limited Liability Company ("Plaintiffs").

2. Defendants shall instruct their current and future employees not to sell or offer to sell, in response to orders for RED BULL[®], a beverage of another manufacturer, without first giving the customer oral notice that a beverage other than RED BULL[®] is being sold and the opportunity to accept or reject the substitute product prior to fulfilling the customer's order.

3. Defendants shall show this order to all employees.

4. Defendants shall file with the Court and serve on Plaintiffs' counsel within fourteen (14) days after the date of this Order a report in writing and under oath, setting forth in detail the manner in which Defendants have complied with this Order.

5. This permanent injunction shall be effective immediately.

6. All remaining claims against Soho East Avenue, Inc.; 289 Alexander Street Inc.; 336 Dukes Inc.; Rdcuse Inc.; and Ronald A. Davis are hereby resolved by a private confidential settlement agreement by the parties.

7. This Court retains jurisdiction to enforce the terms of the parties' settlement agreement.

IT IS SO ORDERED.

5/28/08

Dated: _____

S/MICHAEL A. TELESKA

UNITED STATES DISTRICT COURT JUDGE